3

Anno Regni

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

DECIMO QUARTO.

At the Parliament begun and holden at *Westminster*, the Tenth Day of *May*, *Anno Domini* 1768, in the Eighth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by several Prorogations, to the Thirteenth Day of *January*, 1774, being the Seventh Session of the Thirteenth Parliament of *Great Britain*.

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Printers to the King's most Excellent Majesty.
MDCCLXXIV.

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ANNO DECIMO QUARTO

GEORGII III. Regis.

CAP. LXXXIII.

An Act for making more effectual Provision for the Government of the Province of *Quebec* in *North America*.

WHEREAS His Majesty, by His Royal Proclamation, bearing Date the Seventh Day of *October*, in the Third Year of His Reign, thought fit to declare the Provisions which had been made in respect to certain Countries, Territories, and Islands in *America*, ceded to His Majesty by the definitive Treaty of Peace, concluded at *Paris* on the Tenth Day of *February*, One thousand seven hundred and sixty-three: And whereas by the Arrangements made by the said Royal Proclamation, a very large Extent of Country, within which there were several Colonies and Settlements of the Subjects of *France*, who claim- Preamble.

ed to remain therein under the Faith of the ſaid Treaty, was left, without any Proviſion being made for the Adminiſtration of Civil Government therein; and certain Parts of the Territory of *Canada*, where ſedentary Fiſheries had been eſtabliſhed and carried on by the Subjects of *France*, Inhabitants of the ſaid Province of *Canada*, under Grants and Conceſſions from the Government thereof, were annexed to the Government of *Newfoundland*, and thereby ſubjected to Regulations inconſiſtant with the Nature of ſuch Fiſheries: May it therefore pleaſe Your moſt Excellent Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all the Territories, Iſlands, and Countries in *North America*, belonging to the Crown of *Great Britain*, bounded on the South by a Line from the Bay of *Chaleurs*, along the High Lands which divide the Rivers that empty themſelves into the River *Saint Lawrence* from thoſe which fall into the Sea, to a Point in Forty-five Degrees of Northern Latitude, on the Eaſtern Bank of the River *Connecticut*, keeping the ſame Latitude directly Weſt, through the Lake *Champlain*, until, in the ſame Latitude, it meets the River *Saint Lawrence*; from thence up the Eaſtern Bank of the ſaid River to the Lake *Ontario*; thence through the Lake *Ontario*, and the River commonly called *Niagara*; and thence along by the Eaſtern and South-eaſtern Bank of

The Territories, Iſlands, and Countries, in *North America*, belonging to *Great Britain*,

of Lake *Erie*, following the ſaid Bank, until the ſame ſhall be interſected by the Northern Boundary, granted by the Charter of the Province of *Penſylvania*, in caſe the ſame ſhall be ſo interſected; and from thence along the ſaid Northern and Weſtern Boundaries of the ſaid Province, until the ſaid Weſtern Boundary ſtrike the *Ohio*: But in caſe the ſaid Bank of the ſaid Lake ſhall not be found to be ſo interſected, then following the ſaid Bank until it ſhall arrive at that Point of the ſaid Bank which ſhall be neareſt to the North-weſtern Angle of the ſaid Province of *Penſylvania*, and thence, by a right Line, to the ſaid North-weſtern Angle of the ſaid Province; and thence along the Weſtern Boundary of the ſaid Province, until it ſtrike the River *Ohio*; and along the Bank of the ſaid River, Weſtward, to the Banks of the *Miſſiſſippi*, and Northward to the Southern Boundary of the Territory granted to the Merchants Adventurers of *England*, trading to *Hudſon's Bay*; and alſo all ſuch Territories, Iſlands, and Countries, which have, ſince the Tenth of February, One thouſand ſeven hundred and ſixty-three, been made Part of the Government of *Newfoundland*, be, and they are hereby, during His Majeſty's Pleaſure, annexed to, and made Part and Parcel of, the Province of *Quebec*, as created and eſtabliſhed by the ſaid Royal Proclamation of the Seventh of *October*, One thouſand ſeven hundred and ſixty-three.

annexed to the Province of *Quebec*.

Provided always, That nothing herein contained, relative to the Boundary of the Province

Not to affect the Boundaries of any other Colony;

vince of *Quebec*, shall in anywise affect the Boundaries of any other Colony.

nor to make void other Rights formerly granted.

Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to make void, or to vary or alter any Right, Title, or Possession, derived under any Grant, Conveyance, or otherwise howsoever, of or to any Lands within the said Province, or the Provinces thereto adjoining; but that the same shall remain and be in Force, and have Effect, as if this Act had never been made.

Former Provisions made for the Province to be null and void after *May* 1, 1775.

And whereas the Provisions, made by the said Proclamation, in respect to the Civil Government of the said Province of *Quebec*, and the Powers and Authorities given to the Governor and other Civil Officers of the said Province, by the Grants and Commissions issued in Consequence thereof, have been found, upon Experience, to be inapplicable to the State and Circumstances of the said Province, the Inhabitants whereof amounted, at the Conquest, to above Sixty-five thousand Persons, professing the Religion of the Church of *Rome*, and enjoying an established Form of Constitution and System of Laws, by which their Persons and Property had been protected, governed, and ordered, for a long series of Years, from the First Establishment of the said Province of *Canada*; be it therefore further enacted by the Authority aforesaid, That the said Proclamation, so far as the same relates to the said Province of *Quebec*, and the Commission under the Authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and

and Ordinances made by the Governor and Council of *Quebec* for the Time being, relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the First Day of *May*, One thousand seven hundred and seventy-five.

And, for the more perfect Security and Ease of the Minds of the Inhabitants of the said Province, it is hereby declared, That His Majesty's Subjects, professing the Religion of the Church of *Rome* of and in the said Province of *Quebec*, may have, hold, and enjoy, the free Exercise of the Religion of the Church of *Rome*, subject to the King's Supremacy, declared and established by an Act made in the First Year of the Reign of Queen *Elizabeth*, over all the Dominions and Countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the Clergy of the said Church may hold, receive, and enjoy, their accustomed Dues and Rights, with respect to such Persons only as shall profess the said Religion.

Inhabitants of *Quebec* may profess the *Romish* Religion, subject to the King's Supremacy, as by Act 1 *Eliz.*

and the Clergy enjoy their accustomed Dues.

Provided nevertheless, That it shall be lawful for His Majesty, His Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as he or they shall, from Time to Time, think necessary and expedient.

Provision may be made by His Majesty for the Support of the Protestant Clergy.

No Person professing the *Romish* Religion obliged to take the Oath of 1 *Eliz.*

Provided always, and be it enacted, That no Person professing the Religion of the Church of *Rome*, and residing in the said Province, shall be obliged to take the Oath required by the said Statute passed in the First Year of the Reign of Queen *Elizabeth*, or any other Oaths substituted by any other Act in the Place thereof, ; but that every such Person who, by the said Statute is required to take the Oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following Oath before the Governor, or such other Person in such Court of Record as His Majesty shall appoint, who are hereby authorised to administer the same; *viz.*

but to take, before the Governor, *&c.* the following Oath.

The Oath.

I A. B. *do sincerely promise and swear, That I will be faithful, and bear true Allegiance to His Majesty King* George, *and him will defend to the utmost of my Power, against all traiterous Conspiracies, and Attempts whatsoever, which shall be made against His Person, Crown, and Dignity; and I will do my utmost Endeavour to disclose and make known to His Majesty, His Heirs and Successors, all Treasons, aud traiterous Conspiracies and Attempts, which I shall know to be against Him, or any of Them; and all this I do swear, without any Equivocation, mental Evasion, or secret Reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the Contrary.*

So help me *GOD.*

And every such Person, who shall neglect or refuse to take the said Oath before mentioned

tioned, ſhall incur and be liable to the ſame Penalties, Forfeitures, Diſabilities, and Incapacities, as he would have incurred and been liable to for neglecting or refuſing to take the Oath required by the ſaid Statute paſſed in the Firſt Year of the Reign of Queen *Elizabeth.*

Perſons refuſing the Oath to be ſubject to the Penalties by Act 1 *Eliz.*

And be it further enacted by the Authority aforeſaid, That all His Majeſty's *Canadian* Subjects, within the Province of *Quebec*, the religious Orders and Communities only excepted, may alſo hold and enjoy their Property and Poſſeſſions, together with all Cuſtoms and Uſages relative thereto, and all other their Civil Rights, in as large, ample, and beneficial Manner, as if the ſaid Proclamation, Commiſſions, Ordinances, and other Acts and Inſtruments, had not been made, and as may conſiſt with their Allegiance to His Majeſty, and Subjecttion to the Crown and Parliament of *Great Britain*; and that in all Matters of Controverſy, relative to Property and Civil Rights, Reſort ſhall be had to the Laws of *Canada*, as the Rule for the Deciſion of the ſame; and all Cauſes that ſhall hereafter be inſtituted in any of the Courts of Juſtice, to be appointed within and for the ſaid Province, by His Majeſty, His Heirs and Succeſſors, ſhall, with reſpect to ſuch Property and Rights, be determined agreeably to the ſaid Laws and Cuſtoms of *Canada*, until they ſhall be varied or altered by any Ordinances that ſhall, from Time to Time, be paſſed in the ſaid Province by the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, by and with the

His Majeſty's *Canadian* Subjects (religious Orders excepted) may hold all their Poſſeſſions, *etc.*

and in Matters of Controverſy, Reſort to be had to the Laws of *Canada* for the Deciſion.

the Advice and Consent of the Legislative Council of the same, to be appointed in Manner herein-after mentioned.

Not to extend to Lands granted by His Majesty in common Soccage.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any Lands that have been granted by His Majesty, or shall hereafter be granted by His Majesty, His Heirs and Successors, to be holden in free and common Soccage.

Owners of Goods may alienate the same by Will, *etc.*

Provided also, That it shall and may be lawful to and for every Person that is owner of any Lands, Goods, or Credits, in the said Province, and that has a Right to alienate the said Lands, Goods, or Credits, in his or her Life-time, by Deed of Sale, Gift, or otherwise, to devise or bequeath the same at his or her Death, by his or her Last Will and Testament; any Law, Usage, or Custom, heretofore or now prevailing in the Province to the Contrary hereof in any-wise notwithstanding; such Will being executed, either according to the Laws of *Canada*, or according to the Forms prescribed by the Laws of *England*.

if executed according to the Laws of *Canada*.

Criminal Law of *England* to be continued in the Province.

And whereas the Certainty and Lenity of the Criminal Law of *England*, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants, from an Experience of more than Nine Years, during which it has been uniformly administered, be it therefore further enacted, by the Authority aforesaid, That the same shall continue to be administered, and shall be observed as Law in the Province of *Quebec*, as well in the Description and Quality of the Offence, as in the Method

Method of Profecution and Trial; and the Punifhments and Forfeitures thereby inflicted to the Exclufion of every other Rule of Criminal Law, or Mode of Proceeding thereon, which did or might prevail in the faid Province before the Year of our Lord One thoufand feven hundred and fixty-four: any Thing in this Act to the Contrary thereof in any Refpect notwithftanding: fubject nevertheleſs to fuch Alterations and Amendments as the Governor, Lieutenant-governor, or Commander in Chief for the Time being, by and with the Advice and Confent of the Legiflative Council of the faid Province, hereafter to be appointed, fhall, from Time to Time, caufe to be made therein, in Manner herein-after directed.

His Majefty may appoint a Council for the Affairs of the Province.

And whereas it may be neceffary to ordain many Regulations for the future Welfare and good Government of the Province of *Quebec*, the Occafions of which cannot now be foreſeen, nor, without much Delay and Inconvenience, be provided for, without intrufting that Authority, for a certain Time, and under proper Reftrictions, to Perfons refident there: And whereas it is at prefent inexpedient to call an Affembly; be it therefore enacted by the Authority aforefaid, That it fhall and may be lawful for His Majefty, His Heirs and Succeffors, by Warrant under His or Their Signet or Sign Manual, and with the Advice of the Privy Council, to conftitute and appoint a Council of the Affairs of the Province of *Quebec*, to confift of fuch Perfons refident there, not exceeding Twenty-three, nor leſs than Seventeen, as His Majefty, His Heirs

which Council may make Ordinances, with Consent of the Governor.

Heirs and Successors, shall be pleased to appoint; and, upon the Death, Removal, or Absence of any of the Members of the said Council, in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; which Council, so appointed and nominated, or the Major Part thereof, shall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government, of the said Province, with the Consent of His Majesty's Governor, or, in his Absence, of the Lieutenant-governor, or Commander in Chief for the Time being.

The Council are not impowered to lay Taxes,

Publick Roads or Buildings excepted.

Provided always, That nothing in this Act contained shall extend to authorise or impower the said Legislative Council to lay any Taxes or Duties within the said Province, such Rates and Taxes only excepted as the Inhabitants of any Town or District within the said Province may be authorised by the said Council to assess, levy, and apply, within the said Town or District, for the Purpose of making Roads, erecting and repairing publick Buildings, or for any other Purpose respecting the local Convenience and Oeconomy of such Town or District.

Ordinances made to be laid before His Majesty for His Approbation.

Provided also, and be it enacted by the Authority aforesaid, That every Ordinance so to be made, shall, within Six Months, be transmitted by the Governor, or, in his Absence, by the Lieutenant.governor, or Commander in Chief for the Time being, and laid before His Majesty for His Royal Approbation; and if His Majesty shall think fit to disallow thereof

thereof, the ſame ſhall ceaſe and be void from the Time that His Majeſty's Order in Council thereupon ſhall be promulgated at *Quebec*.

Provided alſo, That no Ordinance touching Religion, or by which any Puniſhment may be inflicted greater than Fine or Impriſonment for Three Months, ſhall be of any Force or Effect, until the ſame ſhall have received His Majeſty's Approbation.

Ordinances touching Religion not to be in Force without His Majeſty's Approbation.

Provided alſo, That no Ordinances ſhall be paſſed at any Meeting of the Council where leſs than a Majority of the whole Council is preſent, or at any Time except between the Firſt Day of *January* and the Firſt Day of *May*, unleſs upon ſome urgent Occaſion, in which Caſe every Member thereof reſident at *Quebec*, or within Fifty Miles thereof, ſhall be perſonally ſummoned by the Governor, or, in his Abſence, by the Lieutenant-governor, or Commander in Chief for the Time being, to attend the ſame.

When Ordinances are to be paſſed by a Majority.

And be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prevent or hinder His Majeſty, His Heirs and Succeſſors, by His or Their Letters Patent under the Great Seal of *Great Britain*, from erecting, conſtituting, and appointing, ſuch Courts of Criminal, Civil, and Eccleſiaſtical Juriſdiction, within and for the ſaid Province of *Quebec*, and appointing, from Time to Time, the Judges and Officers thereof, as His Majeſty, His Heirs and Succeſſors, ſhall think neceſſary and proper for the circumſtances of the ſaid Province.

Nothing to hinder His Majeſty to conſtitute Courts of Criminal, Civil, and Eccleſiaſtical Juriſdiction.

Provided

All Acts formerly made are hereby inforced within the Province.

Provided always, and it is hereby enacted, That nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within the said Province of *Quebec*, any Act or Acts of the Parliament of *Great Britain* heretofore made, for prohibiting, restraining, or regulating, the Trade or Commerce of His Majesty's Colonies and Plantations in *America*; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in Force, within the said Province of *Quebec*, and every Part thereof.

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